

## NEW YORK HERALD.

JAMES GORDON BENNETT,  
EDITOR AND PROPRIETOR.

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Volume XXX.....No. 133

AMUSEMENTS TO-MORROW EVENING.

NEW BOWERY THEATRE, Bowery.—MORRIS BRUCE—THE FIDELITY—BROTHER BILL AND ME.

WALLACK'S THEATRE, Broadway.—TO MARRY OR NOT TO MARRY—JOE OF PARIS FRANKLIN.

OLYMPIC THEATRE, Broadway.—TOMMY TO O'NEILL—BROTHER BILL AND ME.

BOWERY THEATRE, Bowery.—TOMMY TO O'NEILL—BROTHER BILL AND ME.

NIBLO'S GARDEN, Broadway.—FANTASMA.

BROADWAY THEATRE, Broadway.—BROTHER BILL AND ME.

WINTER GARDEN, Broadway.—THE GAY LADY OF PASTORAL.

BARNUM'S MUSEUM, Broadway.—TWO LIVING ALLIGATORS—FAT WOMAN—STREET—THE PROPER—BOON—FAMILY. Open Day and Night.

BRYANT'S MINSTER, Broadway.—THE 472 BROADWAY—BROTHER BILL AND ME.

WOOD'S MINSTER, Broadway.—THE 472 BROADWAY—BROTHER BILL AND ME.

HOLLEY'S MINSTER, Broadway.—THE 472 BROADWAY—BROTHER BILL AND ME.

HELLER'S HALL, Broadway.—THE 472 BROADWAY—BROTHER BILL AND ME.

HYPOTHETICAL, Broadway.—THE 472 BROADWAY—BROTHER BILL AND ME.

AMERICAN THEATRE, Broadway.—THE 472 BROADWAY—BROTHER BILL AND ME.

HOPE CHAMBER, Broadway.—THE 472 BROADWAY—BROTHER BILL AND ME.

VANNICHER MUSEUM, Broadway.—THE 472 BROADWAY—BROTHER BILL AND ME.

NEW YORK MUSEUM OF ANATOMY, Broadway.—THE 472 BROADWAY—BROTHER BILL AND ME.

New York, Sunday, May 14, 1865.

THE SITUATION.

The reporters for the press were yesterday admitted to the room of the court now engaged in the trial of the persons accused of connection with the great Washington assassination plot, and we are therefore enabled to lay before the public this morning a considerable portion of the proceedings. Hon. Beverly Johnson appeared as counsel for Mrs. Surratt, when objection was made to his acting in that capacity by General Harris, one of the members of the court, but this objection was finally withdrawn, after an earnest argument on both sides. The court resumed in session this afternoon, and during its sitting a detective officer, the present proprietor of the house formerly occupied by the Surratt family and others were confined in regard to this house and the storage in it of arms intended to facilitate the escape of the assassins.

Details of the surrender of the rebel General Dick Taylor to General Canby, already announced in the Herald, are furnished in the dispatches of our New Orleans correspondent brought by the steamship Merrimack, which arrived here yesterday. The terms, which are substantially those on which Lee submitted to Grant, were finally agreed to on the 6th inst., at Charlotte, Alabama, a little town thirty-three miles north of Mobile. General Taylor hesitated for a long time over the conditions, endeavoring to obtain something more favorable, but he was finally compelled to yield, as General Canby was indefatigable. Taylor commanded all the rebel troops in Alabama, Mississippi and East Louisiana, and their surrender completed the dissolution of the rebel military organization in all the country east of the Mississippi river.

An order recently issued by the rebel General Kirby Smith, commanding the Trans-Mississippi Department, may be relied upon as indicating his real convictions and purposes, he is not yet fully convinced that the rebellion is ended, and is not quite ready, as reports have represented, to surrender his army. This order is dated at Shreveport, Louisiana, on the 11th of April, and in it, while acknowledging that "great disaster" have overtaken the confederacy in the abandonment of Richmond and surrender of Lee, he informs his troops that he is determined to still continue the struggle, and that they are to stand firmly by him, and tell him that they "possess the means of long resisting invasion." Public mass meetings have also recently been held at Shreveport and at Marshall, Texas, to manufacture an enthusiasm among the soldiers of the Trans-Mississippi army for the continuance of the war, at which the speakers, in force and sententious language, which seemed to pass on the occasion for eloquence, endeavored to convince their hearers that the mythical "confederacy" still had very bright prospects, and that there were the best of reasons why the contest should not be given up. One of the orators said that every man must be forced into the army, and another intimated in "a glowing panegyric upon Booth, the assassin of Mr. Lincoln," which was heartily applauded. Among the rebel military notabilities present at the Shreveport gathering were Generals Kirby Smith, Price and Breckinridge.

It is reported that R. M. T. Hunter, ex-Secretary of Jeff. Davis' confederacy as well as of the United States, and one of the rebel commissioners in the Hampton Roads peace conference of last winter, has been arrested by the military authorities and placed in confinement at Richmond.

The Second and Fifth corps, Army of the Potomac, are now encamped on the Potomac river, opposite Washington. Interesting incidents in the triumphal homeward march of these veterans from Richmond, over the hills and ground which has been so often witnessed with their own and the blood of their fallen comrades in many a desperate struggle, are given by one of the Herald's correspondents who accompanied them.

General Sheridan's cavalry passed through Richmond on Wednesday last, on their way to Washington.

One of the incidents of the removal by government of the old commercial relations. Steamers now run regularly to Richmond from Washington and Baltimore, and on all their trips they are crowded with passengers from the North.

The counsel for Mrs. Farnie, charged with aiding the rebels during their invasion of Maryland last summer, yesterday entered a plea denying the jurisdiction over her case of the court martial before which she is being tried. This was overruled, after which the court adjourned till Monday, when the argument of counsel will commence.

Thomas Martin, the guerrilla, who was reported last week by order of the War Department, suffered the extreme penalty of the law at Cincinnati on Thursday, the 11th inst. At noon on that day a battalion of the Thirty-seventh Iowa Infantry quietly left Kellon barracks, and proceeded to grounds near the county stone quarry, above Deer Creek Valley. At the same time the prisoner, accompanied by a clergyman, entered a close carriage at McLean barracks, and guarded by twenty-eight men, proceeded to the same spot. At the command "Ready, aim, fire," a discharge of eight muskets, as with one report, was heard, and the victim fell backward, expiring almost instantly and without a groan. Martin was a Kautskian, who had imbued his hands in blood, and been guilty of many equally heinous crimes.

MISCELLANEOUS NEWS.

Attorney General Speed has rendered an official opinion regarding the appointment of assistant assessors of internal revenue, in which he decides that the appointing power does not belong to the assessors of Congressional districts, but to the President of the United States.

In the matter of Herman Gerkins' estate Surrogate Tucker yesterday decided that real estate was not liable for the payment of pecuniary legacies given by a will, unless the intent to charge them upon it was clear and certain. The personal property being insufficient, and the real estate not charged, the legacies relate proportionally in amount, and the widow retains her life interest in the real estate, given her in lieu of dower.

Cooper Institute was crowded yesterday afternoon by an assemblage composed principally of ladies and the public school scholars, to attend an exhibition given up for the amusement of the children by the National T. M. Association. The youthful congregation was entertained with sights of various natural curiosities, spectacles by several gentlemen, and some good vocal and instrumental music.

A meeting of the "Travellers' Club" was held last evening at the Fifth Avenue Hotel to further the objects of the association, which is designed to bring travellers and pioneers together in social intercourse.

Last evening Mr. Charles Brown, of No. 207 West Seventeenth street, committed suicide by taking laudanum.

Antoine Adria, a young soldier, and an honorably discharged member of the Thirtieth New York cavalry, committed suicide early yesterday morning by shooting himself in the head with a pistol, in the yard of a lodging house in Centre street, where he had spent the previous night.

William Smith and Frank Long were yesterday committed to the Tombs for failing to have his fire to some holes of straw at the foot of Harrison street.

The fire was discovered and extinguished before doing any considerable damage.

The stock market was unsettled and lower yesterday. Governments were dull. Gold was quiet and closed at 130 in the afternoon. The closing price in the evening was the same.

There was but little change in the commercial status on Saturday. But little business was done, and the general tendency was to lower rates. Cotton was lower. On Change the four market was quiet, and at 10c. lower. Wheat was dull and dropping, while corn was dull and unsettled. Oats were 1c. 3/4c. higher. The pork market was less active and lower. Beef was steady, while lard was dull and scarcely so firm. Freight continues dull. Whiskey was steady.

Capture of Jeff. Davis and Staff—The Captives En Route to Washington.

The important intelligence is furnished us by Secretary Stanton of the capture of the rebel chief Jeff. Davis. The camp of the fugitive rebels at Irwinesville, Irwin county, Georgia, about seventy-five miles southeast of Macon, was surprised on the morning of Wednesday last, by the Fourth Michigan cavalry, Colonel Pritchard, belonging to General Wilson's command, and Jeff. himself, his family; Reagan, his Postmaster General; Colonel Harrison, his private secretary, and Colonel Johnson, Morris, Lubick, Hathaway and others of his staff were all captured. General Wilson informs the War Department that the captives would arrive at Macon yesterday, and would be forwarded thence to Washington under a strong guard without delay.

General Breckinridge, rebel Secretary of War, was in company with Jeff. Davis during the beginning of the flight, and it was supposed that he still adhered to the fortunes of the fugitive arch-traitor; but no allusion to either Breckinridge, or Benjamin, Secretary of State, is made by General Wilson in giving the list of the important personages seized, nor is there any reference to the valuable boards of stolen specie which it has been reported Jeff. carried with him. But a fuller account is promised soon, when we shall probably learn all about these and other matters connected with the affair. There is sufficient gratification for the present in the knowledge that the overthrow of the huge plot to destroy the nation has been fittingly consummated in the capture of the man who occupied the position of head of the infamous conspiracy.

It would now be a matter of some considerable interest to know what has become of the rebel Vice President, Alexander H. Stephens, of Georgia. He has taken no part in public affairs since the termination of the conference of the rebels with President Lincoln and Secretary Seward, in Hampton Roads, last winter, in which Stephens was one of the commissioners. Immediately after the failure of the rebels to gain their object in the negotiations on that occasion, Mr. Stephens retired to his own State, and notwithstanding the boasting statements of the rebel press at the time that he had gone thither to fire the Georgian heart, he has ever since kept his lips closed in public, and remained in seclusion and quiet. He no doubt then plainly foresees the inevitable and fast approaching downfall of the "confederacy."

The Commencement of a Violent Opposition to President Johnson's Administration by the New York Press.

During the past week the entire press of New York, with the exception of the Herald, has combined in a most violent attack upon the administration of President Johnson. Extremes have met in this congressional business. The copperhead journals, like the World, News and Express, have united with the negrohead journals, like the Tribune, Times and Post; and even the soft-headed journals, like the Journal of Commerce and the Commercial Advertiser, have joined in the hue and cry. Each of these papers has attempted to outclamour all the rest in rabid denunciations of the President's advisers. Some even assail the President himself, and threaten him with the block, like King Charles the First. No extravagance of language, no vigor of invective, no coarseness of epithet is spared. Day after day the crusade increases in fury, and every article is more abusive than its predecessor.

The pretext for this violent opposition is the military trial now in progress at Washington. We say the pretext, because it really is nothing more. There is nothing so strange and startling in the fact that those conspirators who assassinated Mr. Lincoln, tried to assassinate Mr. Seward in his sick bed, and designed to assassinate all the other members of the government, including President Johnson and General Grant, should now be tried before a military tribunal. There is nothing in this fact to justify or excuse the attacks made upon President Johnson and Secretary Stanton, who are acting under the advice of Judge Advocate General Holt, upon whom the responsibility of the military trial rests. Beall and Kennedy belonged to the same gang of conspirators as the wretches now on trial at Washington. The St. Albans raid and the plot to burn down New York were prepared in Canada and approved at Richmond, like the assassination scheme which they preceded and foreshadowed. Yet Beall and Kennedy were tried, convicted and executed as their crimes deserved without any of this outcry from the copperhead and negrohead press. They were tried by military tribunals, and yet there was no clamor about despotism, and no threats of beheading the President in consequence. The conspirators at Washington are not mere murderers. They are hired assassins; they are guerrillas. Unquestionably they ought to be tried like Beall and Kennedy, and hung like Beall and Kennedy. The fact that the very papers which raise such dismal howls over this trial made no noise whatever over the trial of other conspirators proves the hypocrisy of their present violence, and shows that the whole thing is a pretext.

What, then, is the real reason of all this froth and fury? We find it in the recent visit of an agent of the Blair family to this city, and in his consultations with the managers of the copperhead and negrohead journals, beginning with Barlow, of the World, and ending with the indicted publisher of the Post. The Blair family are determined to control President Johnson, and in order to accomplish this they want to clear out his Cabinet. They pay Secretary Stanton the compliment of regarding him as the strongest man in the Cabinet, and so attack him first, although they know that Holt, not Stanton, has charge of the trial of the conspirators. But, besides being used by the Blairs, the newspapers rage and rave from private motives of their own. The Tribune seems to be conducted lately by inmates of the Bloomington Asylum. The Times is too imbecile to know what it means, or to mean anything intelligently. The Post, which is under indolent management, is, of course, opposed to the government, is, of course, opposed to trials in general, and hopes to help itself in its own particular trial by aiding the Blairs to manage President Johnson, with a single eye, perhaps, to a pardon or a postponement. The copperhead papers, on the other hand, are more guilty than we can allow ourselves to believe the Tribune, Times and Post. They seem determined to glorify Booth and make a martyr of him. Just as they laughed at the diabolical attempt to burn down New York city, so they now try to argue away the assassination. They would almost persuade us that President Lincoln was not murdered; that we did not see his body borne sadly through the streets; that Booth was not guilty of the crime for which he died. If we are to believe them, President Johnson and Secretary Stanton are the really guilty parties and the real conspirators. Thus do these copperhead organs glorify an assassin, defame the administration and endeavor to inaugurate that era of assassination which the Times predicted.

Had we not grown accustomed to the utterances of the rebel press of the North during the war, the efforts of the journals of this city to defend President Lincoln's murderers before the graven upon his grave would be even more shocking. But bad as these utterances have been heretofore, they are now perfectly outrageous. The copperhead papers actually come before the public as the volunteer counsel of conspirators and assassins. They discredit the explicit statement of President Johnson that Jeff. Davis and the rebel agents in Canada are accomplices in Booth's guilt. Upon what grounds do they thus accuse the President of deliberate falsehood? The accusation against the rebel leaders is not at all inconsistent with their previous exploits. We know that Jeff. Davis fully connived at the starvation of our prisoners and at the employment of infernal machines in war; and we know that Sanders, Tucker and Thompson used the sham peace negotiations, by the aid of that half-witted meddler, Colorado Jewett, as a device to conceal their movements while they organized plots to rob banks, throw railroad trains off the track, commit murder and destroy women and children by fire. Monsters capable of such atrocities as these are quite capable of planning an assassination, and, therefore, without examining the direct evidence in possession of the government, we believe that Davis, Sanders, Tucker and Thompson are guilty. Their instruments, now in custody at Washington, will only precede them to the gallows. Those journals, whether copperhead or negrohead, which interpose, for political or worse motives, to save the criminals from punishment will be rewarded with the execrations of all honest men. The violent opposition to President Johnson's administration is avowedly a protest against despotism; but as despotism never allows such protests, the absurdity of this ruse is at once apparent. The storm stirred up by the Blairs to get control of President Johnson is maintained by the Tribune, Times and Post for political reasons, and by the World, News

and Express for other reasons; but the result will be very different from that which its authors anticipate.

The War of Opinion in Europe—The Chair's Envoystent.

The first Napoleon, meeting in his exile at St. Helena over the future political aspects of the world, of which, for a time, he had been a prominent disturber, predicted that in fifty years more it would become Cossack or republican. This was said in something of the same vein as that which inspired Mr. Canning to anticipate a great coming struggle, which he declared would be the war of opinion. To both these personages it seemed inevitable that despotism and freedom were yet to contend for a final mastery of mankind, and that the conflict of principles was not much longer to be avoided in the course of human events.

And until within a very short period it has seemed as if the overthrow of liberal principles was approaching. Everywhere reaction was vigorously attempted by the ruling Powers of the Old World, whether temporal or spiritual, whether constitutional governments or despotism. On the continent of Europe we have observed, within a few years past, a constant repression of popular rights. In Prussia, in Austria, in France the reins of authority have been drawn more and more tightly, the liberty of individual action has been checked, freedom of speech curtailed, and the doctrines of absolutism been maintained with more than their ancient boldness. Even in England, always boasting of its trial by jury and its habeas corpus, all efforts at substantial reform have proved utterly unavailing, and the great masses of the people are not permitted to have any voice in their own government, or place any check on the increasing power of the aristocracy, supported by the toll and sweat of their disfranchised labor. While in Europe, in spite of the movement in Italy, everything was thus growing darker for the cause of liberty, the rebellion broke out in our own country, in full sympathy with the retrograde movements abroad; and the doctrines put forth in the manifestos of Jefferson Davis and his coadjutors, worthy only of the dark ages, and utterly unworthy of Americans, were received by foreign rulers with approbation, and received as conclusive evidence that here, too, there were to be Cossacks as well as in Europe. Their sympathy was expressed without disguise. If the principles for which the rebel leaders contended could be successfully maintained; if castles and orders were to be created and maintained; if all poor men were only fit to be slaves, whether white or black; if labor was to be a badge of inferiority and degradation; if fraternity and equality were to be forever ignored;—then the despots of the Old World perceived they were finding their most powerful allies in the New.

While this contest on our own soil was in doubt, singular enough, not only did the two principal Powers of Europe, as far as they dared, throw the weight of their wishes and the help of their connivance into the scale of the rebellion, but in other quarters there were demonstrations which, if not aimed at us directly, were a blow at the fundamental principles which had hitherto enshrined themselves in the United States. The Pope's encyclical letter, addressed to the faithful all over the world, was received here with all due formality, as in Austria itself, and if it had been authoritative and absolute in its influence it would have drawn off an immense body of people from the further support of our free institutions. And in another quarter, under similar impulses, we have just discovered the spirit of the Cossack in an encyclical letter from the head of the Greek Church, from the Russian god, the Czar, as he is called, by his undoubting followers.

The text of this missive has not yet reached us, but from the extracts we give from it in another place it will be seen that it is no more less than to keep the bodies and souls of the Russians in perpetual bondage. But we believe the world will refuse to be Cossack after all. The war we have waged for the last four years has been a holy war for humanity, for truth, justice, equity and progress; it has been signally aided by the great Disposer of events, who seems to have headed our battalions. The cause of freedom is finally successful. It can no more be endangered. It will never more be put in fear by "domestic treason or foreign levy." On the contrary, we may expect to see its brightening rays penetrating the gloom of Europe and irradiating its downcast millions with new hope. More than this: we may expect to see the revival of an inquiring spirit there, which shall shake its despotic governments to their centres. Our history, our institutions, our policy, our love of liberty and our great and successful war in maintaining them against all odds may now be profitably studied beyond the Atlantic, and their study will regenerate the world.

THE TWENTY THOUSAND HUNGRY FRENCHMEN IN MEXICO.—Some years ago three hungry Frenchmen in this city organized a campaign against the Opera—a sort of musical republic. It was their desire to break it up and break it down and sit on its ruins, as Marius said he sat on the ruins of Carthage—not that their grand set-to was for the sake of a settee, but that they wanted, like real hungry Frenchmen, to signalize their existence by the destruction of something beautiful, to raise their Gallic voices and crow! But the Opera had a Napoleonic defender. He was like the First Napoleon, as described by Kellerman—"no bigger than your boot;" but he had the soul of a very giant queller. His name, it was Umanoa. He engaged the three hungry Frenchmen magnificently. He led off with his left and jobbed them with his right. He harpooned them. He flanked them, stormed their lines, cut off the supply of frogs, captured their base, pounded them to jelly, added some Attic salt, and ate them for supper. He burned them in the musical market places, reduced them to fine powder, and scattered them to the four or more winds of heaven.

For many years there was little heard on this continent of any hungry Frenchmen; but after a while Louis Napoleon sent twenty thousand of them to Mexico to destroy a republic less harmonious than the other. There they are now; but they find it a difficult business, and, if we may judge from the cries of the hungry French organ in this city, they are so much frightened that they call for the assistance of eighty thousand more hungry Frenchmen. What reason is there that we should sympathize with these poor devils in their distress? Consider how outrageous and indecent their conduct had been to us. Did not the master of the hungry Frenchman, assisted by this hungry French organ, do all that was humanly possible against us in our distress? Did they not insult us by arguments showing every day what fools we were to suppose we could succeed? Did not they pat, and flatter, and encourage our enemies, and tell them always what splendid fellows they were? Did not they build iron-clad Stone walls to help ruin us? Did not the Emperor continually try to urge England to go with him in a measure that would have prolonged the war for ten or twenty years? Was not the letter and spirit of every law on all occasions strained that every point might be carried against us physically, legally and morally?

That was in the time of our trouble. Now that the time of their trouble has come the hungry Frenchmen cry out for mercy. Shall we yield to it? Not one jot. We will carry out the very letter of the law of nations, and away it a little against them if we can. And where it is against them we will pursue it with the greater gusto. "It shall go hard but we will better their example." We will do them one favor in giving this good advice: get out of Mexico, with dignity if you can, but get out of it! And on the other hand we would say to emigrants—don't waste yourselves. Don't throw your lives away by the hasty adoption of bad counsels. If you want to go to Mexico take care to go in good shape—in a good organization—and not under the auspices of the scallywags who always seize these opportunities to become famous at the expense of other men's lives, without danger to their own.

WASHINGTON.

WASHINGTON, May 13, 1865.

CONDITION OF SECRETARY AND FREEDOM REWARD.

Secretary Seward is still rapidly improving. He has regained the use of his arm, and writes with ease, although the arm itself is still stiff. On account of the instrument designed to keep the fractured jaw in place, talking is avoided as much as possible, and he generally writes what he desires to communicate. He expects to resume in full the duties of the State Department within a few days. The growth of Mr. Frederick Seward are still subject to hemorrhages from time to time, but the attending physicians hope that, with quiet and care, the artery may be closed and his ultimate recovery insured. Mr. Seward, the wife of the Secretary, has been made quite ill by mental anxiety and unremitting attention to her husband and son.

ARRIVAL OF THE ARMY OF THE POTOMAC WITHIN THE DEFENCES OF WASHINGTON.

The Army of the Potomac has all reached the defenses north of the Potomac, and General Meade's headquarters are at Fort Albany, on the road from the Long Bridge to Bailey's Cross Roads. The Second corps, Major General Humphreys, and the Fifth corps, Major General Griffin, will encamp in the vicinity of the railroad leading from Falls Church to Leesburg, although the permanent camping grounds have not been fixed upon.

SHERIDAN'S CAVALRY CORPS.

General Sheridan's cavalry corps will be here on Tuesday or Wednesday.

All these troops will encamp within the limits of this department, although the Army of the Potomac, General Sherman's army and the cavalry corps will retain their present organizations and transact their military business through the regular official channels as before.

All the officers of General Sheridan's corps at present on detached duty have been ordered to report without delay at Alexandria, for duty with the corps.

GENERAL HOWARD FOR SUPERINTENDENT OF THE PENITENTIARY.

Major General Olin O. Howard is spoken of as the Superintendent of the Freedman's Bureau.

SOLDIERS' MONUMENT AT FREDRICKSBURG.

A number of loyal Virginians have united in the erection of a soldiers' monument on the battle field of Fredericksburg. It is to be a simple shaft of marble, thirty feet in height, with appropriate designs and inscriptions.

THE TRIAL OF MRS. FARRINE.

Mrs. Farrine, charged with assisting the rebel cavalry in plundering the train between Baltimore and Philadelphia, during the rebel invasion last summer, set up a plea today, through her counsel, Mr. Corwin, that the military commission has no right to try her jurisdiction over her case. Now that peace is proclaimed, such cases as the one before the court are to be tried by the judicial courts of the United States. The court overruled the plea, and adjourned till Monday, when the argument will be commenced.

BROTHERING OF MOUNT VERNON TO VISITORS.

Arrangements are being made for reopening Mount Vernon to visitors, and it is expected that a steamer will be permitted by the War Department to make excursions to the spot in a few days.

IMPORTANT DECISION OF THE ATTORNEY GENERAL.

THE OFFICE OF AN ASSISTANT ASSESSOR.

Attorney General Speed, having duly considered the important and interesting questions suggested by the Commissioner of Internal Revenue touching the recent legislation of Congress with reference to the office of Assistant Assessor of Internal Revenue, and which were submitted to him by Secretary McCulloch, expresses his opinion for the reasons—

First.—That the provisions of the act of 1855 vesting the power of appointing assistant assessors in the respective assessors is clearly unconstitutional.

Second.—That the President is by the constitution vested with authority to appoint assistant assessors under the existing circumstances. When Congress creates such offices and confers upon the President the power to appoint, it provides in an unconstitutional way for such appointments, the officers are, within the meaning of the constitution, officers of the United States whose appointments are not thereon otherwise provided for, and the power of appointing such officers devolves on the President.

Assistant assessors under the laws now expressed are within that class. The provision in the act of 1855 touching those officers being null and void, and the act of 1864, to the extent just mentioned, being repealed, there is no law to guide legislation which confers upon any public authority the power of appointing those officers. The constitutional power of the President is in this emergency called into exercise. He alone has authority to commission assistant assessors.

Third.—As to whether it is the duty of the President to exercise the power of appointment in the case of these officers the Attorney General says, "If the President should be of the opinion that he possesses the power constitutionally to make the appointments, it is clearly his duty to exercise that power."

He says, in conclusion—

It will be observed, let me remark, that the action of the President, in appointing to the office in question, will not precede or affect judicial inquiry and decision on the points that have been presented. If two persons should claim the authority of exercising in any assessment district the office of assistant assessor—only by the appointment of the President and the other by appointment of the assessor—the question would then be peculiarly one for judicial determination whether either and which of such persons be entitled to exercise the office. But I apprehend that practically so many persons will be appointed, that the assessor will be virtually exercised the power of appointing their assistants, and it is not improbable that the President will be called upon to exercise that power, and substantially the same course as that pursued under the act of 1864 by the Secretary of the Treasury.

INTERNAL REVENUE LICENSE FOR SELLING GOODS.

The Commissioner of Internal Revenue has decided that no license can be required for taking orders for goods or merchandise at other places than where such merchandise is stored, provided a license is taken by the dealer concerning sales of such merchandise whenever negotiated.

ITALIAN VICE CONSUL FOR RICHMOND.

The President has recognized David Von Grotting as Vice Consul of Italy at Richmond.

Note from Mr. George L. Guthrie.

TO THE EDITOR OF THE HERALD.

OFFICE NO. 19 BROAD STREET.

NEW YORK, May 14, 1865.

I beg to call your attention to the fact of my arrest, which was published in your paper of Sunday, the 7th inst., on the charge of having appropriated two trunks of clothing, valued at \$100, belonging to a man named James Robertson, and to the fact that, after an examination of the charge before the Grand Jury, I was honorably discharged from arrest. I have commenced legal proceedings, and intend to have the matter put to rest, and justice has been done for this attempt to deprive me of the honorable name which I now maintain in this community.

GEORGE L. GUTHRIE.

## CAPTURE OF JEFF. DAVIS.

## The Rebel President and Staff and Postmaster General Captured.

Their Camp Surprised at Irwinesville, Georgia, on Wednesday Last, by Wilson's Cavalry.

The Prisoners En Route for Washington Under a Strong Guard.

Reported Capture of Ex-Senator R. M. Hunter, of Virginia.

Secretary Seward on the Major General Dim.

Major General Dim, New York.

The following despatch, just received from General Wilson, announces the capture and capture of Jefferson Davis and his staff, by Col. Pritchard and the Michigan Cavalry, on the morning of the 10th inst., at Irwinesville, in Irwin county, Georgia.

DWIN M. STANTON.

Secretary of War.

MAJOR GENERAL WILSON'S DESPATCH.

MEXICO, 14, May 12—11 A.M.

Lieutenant General W. G. GRAHAM and Hon. SECRETARY of War, Washington, D.C.:

I have the honor to report that, at daylight of the 10th inst., Colonel Pritchard, commanding Fourth Michigan Cavalry, captured Jeff. Davis and family, with Reagan, Postmaster General; Colonel Harrison, Private Secretary; Colonel Johnson, Aid-de-camp; Col. Neil Morris, Colonel Lubick, Lieutenant Hathaway, and others.

Colonel Pritchard surprised their camp at Irwinesville, in Irwin county, Ga., seventy-five miles southeast of the place.

They will be here to-morrow night, and will be forwarded under strong guard without delay.

I will send further particulars at once.

J. H. WILSON, Brevet Major General.

Reported Capture of Ex-Senator R. M. Hunter, of Virginia.

WASHINGTON, May 13, 1865.

It is reported from Richmond that R. M. T. Hunter has been arrested near his residence in Virginia.

Capture of a Guerrilla Supposed to be Quantrell.

LOUISVILLE, May 13, 1865.

A guerrilla supposed to be Quantrell, of the Lawrence massacre notoriety, was wounded by Terrell's scouts, near Taylorville, on Wednesday, and lodged in the military prison to-day.

"The Travellers' Club."

MEETING AT THE FIFTH AVENUE HOTEL—OBJECTION OF THE ASSOCIATION—APPROPRIATION OF A COMMITTEE TO PREPARE A PLAN OF ORGANIZATION, ETC.

The latest development of metropolitan life is the formation of a Travellers' Club, having for its object the bringing together in social and intellectual intercourse travellers, pioneers and other men of progressive and enterprising views, of whom large numbers reside, temporarily at least, in this city. It is about two years since the idea of forming this club was first started and about eighteen months since it took shape.

Last evening a number of distinguished cosmopolitans met in one of the rooms of the Fifth Avenue Hotel, for the purpose of effecting a permanent organization. Senator McDonald and Colonel Ray, owner of Castilian Hotel, were present.

The meeting was called to order by Mr. EDWARD B. DEWEES, who stated the object of the gathering, remarking that while the fashionable and literary club in New York filled an appropriate place, yet the design of the few gentlemen who started the Travellers' Club was to take a broader view of our country, and advance more comprehensive measures for the development of the resources of the country, than any organization in existence. Prominent gentlemen who were interested in the promotion of this institution, among whom was Mr. J. H. SHERIDAN, had been invited to the meeting; but those who remained were desirous of effecting a permanent organization of the club at this time. Mr. Dewees alluded to the advantages of the organization, and to